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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,427	12/04/2003	Daryl C. Cromer	RPS920030184US1	6838
25259	7590	01/24/2006	EXAMINER	
IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 REASEARCH TRIANGLE PARK, NC 27709			D AGOSTA, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/727,427	<b>Applicant(s)</b> CROMER ET AL.	
	<b>Examiner</b> Stephen M. D'Agosta	<b>Art Unit</b> 2683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 1-12-2006 have been fully considered but they are not persuasive.

1. The examiner acknowledges the drawing modifications. Thank you.
2. The applicant argues that the prior art does not teach the independent claims with regard to using known locations in the validating access point. The examiner disagrees since the claim is broadly written and hence broadly interpreted. The claim does not specify when or how the location must be known. Harrington states (Para #21) that while one of the access points may be unknown, the others are known. The claim does not limit how the examiner can interpret which station is doing the validating and when it has to have the location data (eg. it can be determined in real-time, before or after. Not to mention, a "general location" of a roaming mobile is always known based on which access point it is connected to - the claim doesn't even specify how much location "precision" is required). Secondly, the claim does not limit what an access point can/can't be. While the applicant may believe it is a base station-like device, short-range wireless systems can perform device-to-device communications without the use of a BTS. Lastly, the claim doesn't define what "self-correcting of the location of the validating access point" is or how it can be interpreted.

The examiner invites the applicant to amend their claim(s) to further define these very important points such that it does not read on the prior art of record.

3. The previously transmitted Office Action is attached for informational purposes (the amendment to claim 10 is not reflected below since original claim 1 reflected the scope of this limitation).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-2, 7, 10-11, 16, 19-20 and 25** rejected under 35 U.S.C. 102(e) as being anticipated by Harrington et al. US 2002/0080759.

As per **claims 1, 10 and 19**, Harrington teaches a method for validating (mobile) access point locations in a wireless network (title, abstract), the method comprising:

performing a scan by a validating/mobile access point to detect and locate at least one (fixed) access point in the wireless network (figure 1 shows mobile access point #22 and Para#6 teaches said MAP transmitting/receiving data from other access points for location determination); and

utilizing location data of at least one detected access point in the validating access point to direct self-correction of current location data of the validating access point (Para#6, Para#21 and Para#23 teach locating the mobile access point).

***With further regard to claim 19***, Harrington teaches a location processor which inherently requires a software program to perform the location calculations (see figure 1, #24).

As per **claims 2, 11 and 20**, Harrington teaches claim 1/10/19 wherein performing a scan further comprises detecting a beacon signal from at least one access point (abstract teaches "processing communication signals" which reads on a beacon).

As per **claims 7, 16 and 25**, Harrington teaches claim 1/10/19 wherein when there is more than one detected access point, the method further comprises eliminating a detected access point having invalid data (Para#32 discusses "ensuring identification of the first observable transmission, which is the only signal containing valid timing information" which reads on eliminating access point(s) having invalid data).

As per **claims 8, 17 and 26**, Harrington teaches claim 7/16/25 wherein when more than one detected access point remains, the method further comprises utilizing triangulation techniques with the location data of the remaining detected access points to calculate a current position (Para#19 teaches using the location processor using first-to-arrive signals to conduct differentiation of said first-to-arrive signals to locate the mobile access station, which reads on triangulation. The examiner notes there are several well known methods to determine device location in a mobile system, including TOA, TDOA, AOA, etc.).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3, 12 and 21** rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington and further in view of Spriestersbach et al. US 2003/0148775.

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As per **claims 3, 12 and 21**, Harrington teaches claim 2/11/20 **but is silent on** further comprising reading physical location data from the detected beacon signal.

Spiestersbach teaches integrating geographical information into a beacon (Para#56).

It would have been obvious to one skilled in the art at the time of the invention to modify Harrington, such that it further comprising reading physical location data from the detected beacon signal, to provide means for using received location data to perform an alternate location-determining process.

**Claims 4, 13 and 22** rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington and further in view of Shioda et al. US 6,798,376

As per **claims 4, 13 and 22**, Harrington teaches claim 1/10/19 wherein when there is one detected access point, the method further comprises comparing the current location data with the location data of the one detected access point (abstract and Para#'s 6, 21 and 23 teach gathering data from at least one access point to determine the mobile access point's location) **but is silent on** a determined distance.

Shioda teaches using either GPS and/or Base Station measurements to determine a location and/or distance away a mobile unit is (title, abstract, figure 3, figure 8 shows GPS and BTS distance measurements and C6, L5-35).

It would have been obvious to one skilled in the art at the time of the invention to modify Harrington, such that distance is used, to provide means for exactly determining how far away the access point is from another access point.

**Claims 5-6, 9 and 14-15, 18, 23-24 and 27** rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington/Shioda and further in view of Shi et al. US 6,597,915.

As per **claims 5, 14 and 23**, Harrington teaches claim 4/13/22 **but is silent on** wherein when the current location data compares favorably, the current location data is retained, and when the current location data compares unfavorably, the method further

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comprises determining if the location data is valid and updating the current location data if the location data is valid.

Shi teaches generic communication devices in a mobile network that continuously update their location information, eg. id/when they are moved), see figure 5, which shows if the location has changed, the stored location is updated, #525 and #530).

It would have been obvious to one skilled in the art at the time of the invention to modify Harrington, such that wherein when the current location data compares favorably, the current location data is retained, and when the current location data compares unfavorably, the method further comprises determining if the location data is valid and updating the current location data if the location data is valid.

As per **claims 6, 15 and 24**, Harrington teaches claim 5/4/23 **but is silent on** wherein determining if the location data is valid further comprises checking a date of last update of the location data.

Shi teaches (figure 4) using “time periods” (#410, #420) as a factor by which the method is performed. Hence one skilled understands that a timer/date function would be used to periodically check whether the device has moved locations or not.

It would have been obvious to one skilled in the art at the time of the invention to modify Harrington, such that wherein determining if the location data is valid further comprises checking a date of last update of the location data, to provide means for using time as function of when to perform location updates.

As per **claims 9, 18 and 27**, Harrington teaches claim 8/17/26 **but is silent on** wherein when the current location data matches the current position, the current location data is retained, and when the current location data does not match the current position, the current location data is updated to the current position.

Shi teaches generic communication devices in a mobile network that continuously update their location information, eg. id/when they are moved), see figure

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5, which shows if the location has changed, the stored location is updated, #525 and #530).

It would have been obvious to one skilled in the art at the time of the invention to modify Harrington, such that wherein when the current location data matches the current position, the current location data is retained, and when the current location data does not match the current position, the current location data is updated to the current position, to provide means for replacing old information with updated location information (if/when changed).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**STEVE M. D'AGOSTA**  
**PRIMARY EXAMINER**



1-20-06